

FEB 16 2005

FACSIMILE TRANSMISSION COVER SHEET

**LAW OFFICES OF MARK A. GARZIA
10 VETERANS SQUARE
MEDIA, PENNSYLVANIA 19063
UNITED STATES OF AMERICA
Telephone No. 610.566.5050
Facsimile No. 610.566.1030**

Please deliver the attached facsimile transmission to:

**Name : Art Unit 1743 and Jill A. Warden
Of : U.S. Patent and Trademark Office
Fax Nos. : 1-703-872-9306 AND 1-571-273-1267
Date : February 16, 2005
Sender : DAWN GOOD FOR MARK A. GARZIA, ESQUIRE
Our File : ALLE-P3.2-US; U.S. Serial No.: 10/001,626**

DOCUMENTS	
Petition for Three-month Extension of Time with Certificate of Facsimile	2
Copies of: FEE TRANSMITTAL AND RCE TRANSMITTAL (both previously forwarded to U.S. PTO on 2/10/05 via Express Mail)	2

***NOT COUNTING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY.**

ORIGINAL FORWARDED: ☒ No ☐ Yes - By: ☐ First Class Mail ☐ Courier

COMMENTS:

The information contained in this facsimile is attorney privileged and confidential. It is intended only for the use of the recipient named above and no privilege is waived by virtue of this having been sent by facsimile. If the reader of this message is not the named recipient, or the employee or agent responsible for delivering same to the named recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this facsimile in error, please notify immediately the sender and return the original to the address listed above via the United States Postal Service.

Feb. 16. 2005 2:35PM

RECEIVED
CENTRAL FAX CENTER

No. 2753 P. 2

PATENT

FEB 16 2005

Attorney Docket: ALLE-P3.2-US

MARK A. GARZIA, P.C.

A PROFESSIONAL CORPORATION

2058 CHICHESTER AVENUE
BOOTHWYN, PA 19061-3735

PATENT, TRADEMARK,
COPYRIGHT AND
RELATED MATTERS

ATTORNEY AT LAW
*Admitted in PA and NJ
Registered Patent Attorney*

Telephone: 610.485.9400
Facsimile: 610.485.7660
E-mail: mark@patentcounsel.net

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Kenneth A. Alley
TITLE : TEST STRIP FOR USE IN AN APPARATUS FOR
SAMPLING AND TESTING A SPECIMEN
APPLICATION NO. : 10/001,626
FILING DATE : October 24, 2001
EXAMINER : SIEFKE, Samuel P.
ART UNIT : 1743
ATTORNEY DOCKET NO. : ALLE-P3.2-US

* * * * *
CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, is being facsimile transmitted to the United States Patent and Trademark Office, on the date indicated below, to ART UNIT 1743 at 703.872.9306(U.S. PTO) and Carbon Copy (CC) to Mr. Hill A. Warden at 571.273.1267(US PTO).

February 16, 2005
Date


Dawn Lee Good

PETITION FOR THREE-MONTH EXTENSION OF TIME

Dear Sir:

Applicant filed a Request for Continued Examination for the above-identified patent application on February 10, 2005. Although Applicant's attorney enclosed a Fee Transmittal and a Credit Card Payment form indicating the authorization to pay the appropriate extension fee, Applicant's attorney inadvertently forgot to enclosed a formal Request for Petition of Extension of Time.

Page 1 of 2

PATENT**Attorney Docket: ALLE-P3.2-US**

Applicant's attorney spoke with Ms. Jill A. Warden regarding this matter and Ms. Warden suggested that it may be helpful if Applicant's attorney forward, via facsimile, the Petition for Extension of Time immediately.

Accordingly, Applicant petitions for an Extension of Time under 37 C.F.R. §1.136 [fees: 37 C.F.R. §1.17(a) - (d)] for the total number of month(s) checked below:

<u>Extension Months(s)</u>	<u>Fee For Other Than Small Entity</u>	<u>Fee For Small Entity</u>
[] 1 Month	\$120.00	\$ 60.00
[] 2 Months	\$450.00	\$225.00
[XX] 3 Months	\$1,020.00	\$510.00*
[] 4 Months	\$1,590.00	\$795.00
[] 5 Months	\$2,160.00	\$1,080.00

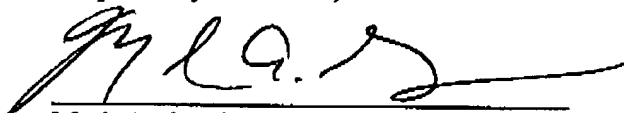
*minus the previously paid fee of \$225 (for two-month extension of time).

Please note that Applicant previously paid for a Two-Month Extension of Time in the amount of \$225 on January 10, 2005. Hence, Applicant paid for the remaining balance due for the extension fee (\$510-225=\$285) in the aforementioned RCE communication on February 10, 2005. Please note, Applicant also paid on February 10, 2005 the RCE fee of 395, which came to the total \$680. The \$680 payment was indicated on the Credit Card Payment form and the Fee Transmittal for FY 2005.

For your records, attached is a copy of the RCE Transmittal and Fee Transmittal for FY 2005 which was previously sent to the U.S. Patent and Trademark Office on February 10, 2005 via Express Mail Certificate.

We appreciate your consideration in this matter.

Respectfully submitted,



Mark A. Garzia, Esquire
Registration No. 35,517

February 16, 2005
Date

Law Offices of Mark A. Garzia
2058 Chichester Avenue
Boothwyn, PA 19061
Telephone: (610) 485-9400
Facsimile: (610) 485-7660

FEB 16 2005

Express Mail Label No.: EV597939242US

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCERequest
for
Continued Examination (RCE)
TransmittalAddress to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY

Application Number	10/001,626
Filing Date	October 24, 2001
First Named Inventor	ALLEY, Kenneth A.
Art Unit	1743
Examiner Name	Samuel P. Siefke
Attorney Docket Number	ALLE-P3.2-US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1998, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☒ Other Reply to Final Office Action mailed January 10, 2005
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other POSTCARD & FEE TRANSMITTAL FY 2005

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)
- b. ☐ Other _____

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
Name (Print/Type)	Mark A. Garzie, Esquire
Signature	<i>[Signature]</i>
Registration No. (Attorney/Agent)	135,517
Date	10 FEBRUARY 2005
CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.	
Name (Print/Type)	Mark A. Garzie, Esquire
Signature	<i>[Signature]</i>
Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
If you need assistance in completing the form, call 1-800-PTO-9198 and select option 2.

PTO/BB/17 (12-04v2)
Approved for use through 07/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/09/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 680.00

Complete If Known

Application Number	10/001,626
Filing Date	October 24, 2001
First Named Inventor	Kenneth A. Alley
Examiner Name	Samuel P. Siefke
Art Unit	1743
Attorney Docket No.	ALLE-P3.2-US

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-203a.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims 6 - 20 or HP = 0 x 0 = 0

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims 2 - 3 or HP = 0 x 0 = 0

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(e).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
100				

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) Fees Paid (\$)

Other (e.g., late filing surcharge): 3 MO. EXT. OF TIME (\$286 - already paid (\$225)) & RCE FEE (\$366) 680.00

SUBMITTED BY

Signature	Registration No. 35,617	Telephone No. 485,8400
Name (Print/Type) Mark A. Garza	Examiner/Agent	Date 2/16/2005
E-mail Address: EV 867938242US		

This collection of information is required by 37 CFR 1.38. The information is required to obtain or retain a benefit by the public which is to be paid by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. The comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.